

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	BANKRUPTCY CASE
)	
TRACEY JEANIA FELDER,)	NO.: 16-67299-CRM
<i>aka Tracey Jeania Smith</i>)	
)	CHAPTER 13
Debtor.)	
)	
)	

OBJECTION TO CONFIRMATION

COMES NOW Ditech Financial LLC (hereinafter known as "Creditor"), a secured creditor holding a Security Deed against the real property commonly known as 128 Montclair Place, Ellenwood, GA 30294 (the "Property"), and for the reasons stated below, objects to confirmation of Debtor's Chapter 13 plan (Doc. No. 2) (the "Plan").

1.

This Chapter 13 case was filed on September 30, 2016. Debtor filed a prior case, 15-73967, which was dismissed on April 12, 2016.

2.

Debtor's Plan underestimates the estimated prepetition arrearage amount of \$12,907.19 owed to Creditor for the Property.

3.

Debtor's Plan proposes to pay a mere \$50.00 upon confirmation. Payments are listed to increase to only \$418.00 per month starting December 2017 to cure Creditor's arrears. Creditor asks that the Debtor begin paying larger payments upon confirmation and throughout the life the of Debtor's Plan.

4.

Creditor reserves the right to raise the failure of Debtor to have made post-petition mortgage payments if at the time of the confirmation hearing that appears to be the case.

WHEREFORE, Creditor prays that the Court will:

1. Deny confirmation,
2. Award reasonable attorney's fees, and
3. Grant such other and further relief as is just and equitable.

/s/Harrison T. Gross

Harrison T. Gross
GA BAR NO. 189363
Attorney for Creditor
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In Re: Tracey Jeania Felder
aka Tracey Jeania Smith

Document Page 3 of 3

Bankruptcy Case No.: 16-67299-CRM

Chapter: 13

Judge C. Ray Mullins

CERTIFICATE OF SERVICE

I, Harrison T. Gross, of MCCALLA RAYMER PIERCE, LLC, 1544 Old Alabama Road, Roswell, Georgia 30076-2102, certify:

That I am, and at all times hereinafter mentioned, was more than 18 years of age;

That on the date below, I served a copy of the within OBJECTION TO CONFIRMATION filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, with proper postage affixed, unless another manner of service is expressly indicated:

Tracey Jeania Felder
128 Montclair Place
Ellenwood, GA 30294

Karen King
King & King Law LLC
215 Pryor Street
Atlanta, GA 30303

(served via email at notices@kingkingllc.com)

Nancy J. Whaley, Trustee
Suite 120
303 Peachtree Center Avenue
Atlanta, GA 30303

(served via email)

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: 11/29/2016 By: /s/Harrison T. Gross
(date) Harrison T. Gross
Georgia BAR NO. 189363
Attorney for Creditor